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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,684	09/02/2003	Stephen H. Kesselring	AIR3701C	3480

7590

04/20/2004

Mark Douma, Esq.  
1001 Manning Street  
Great Falls, VA 22066

EXAMINER
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CHIESA, RICHARD L

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/653,684

**Applicant(s)**

KESSELRING, STEPHEN H.

**Examiner**

Richard L. Chiesa

**Art Unit**

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Communication***

1. Applicant's remarks filed on February 23, 2004 have been entered and considered.

### ***Drawings***

2. The drawings filed on September 2, 2003 are acceptable to the examiner.

### ***Specification***

3. The specification is objected to because it does not indicate that the parent case (SN 10/143,504) is now abandoned. Correction and/or clarification is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5, 6, 9, 10, 13, 14, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al in view of Barker et al. Ishikawa et al (note Figures 1-12) show a carburetor air bleed control device or kit with distribution blocks 23a, 23b, valve 73, balance chamber 68, and output tubes 29 and 44 substantially as claimed. It would appear that Ishikawa

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et al do not explicitly disclose an air input port. However, Ishikawa et al do apparently show air filters 69 and 126 (note col. 4, lines 31-33) in Figures 4 and 12 respectively. One of ordinary skill in the art would have readily recognized that these air filters are positioned in some sort of air input port. In any case, Barker et al (note Figures 1-3) teach the well-known use of an air input port 92 in a carburetor air control device for the purpose of facilitating air flow (note col. 3, lines 35-56). Consequently, it would have been obvious to one of ordinary skill in the art to employ an air input port in the Ishikawa et al air control device in order to facilitate air flow as taught by Barker et al.

6. Claims 3, 4, 7, 8, 11, 12, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al, taken together with Barker et al, as applied above in paragraph 5, and further in view of Sumner, Jr.. Ishikawa et al, taken together with Barker et al, as described above in paragraph 5, disclose a carburetor air bleed control device substantially as claimed with the apparent exception of motorcycle remote control. Sumner, Jr. (note Abstract and Figures 1-11) teaches the well-known use of motorcycle remote control for a carburetor air control device for the purpose of ensuring maximum convenience. It would have been obvious to one of ordinary skill in the art to employ motorcycle remote control in the Ishikawa et al and Barker et al carburetor air control device in order to optimize convenience as taught by Sumner, Jr..

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***Response to Arguments***

7. Applicant's arguments filed on September 23, 2004 have been fully considered but they are not persuasive. It is also noted that the testimonials have been reviewed and although they are quite impressive they do not overcome the above-applied prior art rejections of the claims. The claims on file apparently define only readily obvious subject matter. Applicant has failed to show how the present claims avoid the teachings of the prior art references to Ishikawa et al, Barker et al, and Sumner, Jr. applied in the rejections under 35 USC 103(a).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references have been cited as art of interest to show other air control systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine R. Copenheaver, can be reached at (571) 272-1156.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-0987.

Facsimile correspondence must be transmitted through (703) 872-9306.

Richard L. Chiesa  
April 15, 2004

*Richard L. Chiesa*

**RICHARD L. CHIESA  
PRIMARY EXAMINER  
ART UNIT 1724**

*April 15, 2004*